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FACSIMILE TRANSMITTAL SHEET

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TO:	FROM:
Bob Walker	Michael Flaks
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Gallagher & Walker	5/28/2021
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
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RE:	YOUR REFERENCE NUMBER:
Steven I. Cohen	

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☐ URGENT    ☒ FOR REVIEW    ☐ PLEASE COMMENT    { } PLEASE REPLY    ☐ PLEASE RECYCLE

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\*NOTES/COMMENTS:

**Mr. Walker: Attached is the complete summons and complaint, including page 3.**

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\* NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMITTAL IS INTENDED ONLY FOR THE INDIVIDUALS OR ENTITIES TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS ATTORNEY PRIVILEGED AND CONFIDENTIAL, THE DISCLOSURE OF WHICH IS PROHIBITED BY LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

**FILED: KINGS COUNTY CLERK 03/25/2021 02:01 PM**

INDEX NO. 507152/2021

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 03/25/2021

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS-----x Index No.  
STEVEN I. COHEN,

Plaintiff,

**SUMMONS**

-against-

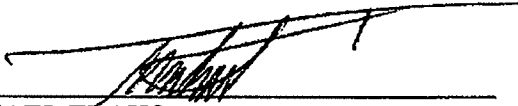
COSTCO WHOLESALE CORPORATION,

Date Index No. Purchased:

Defendant.  
-----x**To the above-named Defendant(s):**COSTCO WHOLESALE CORPORATION  
999 Lake Drive  
Issaquah, Washington 98027

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is plaintiff's place of residence which is: 1720 East 5<sup>th</sup> Street, Brooklyn, New York 11223.

Dated: New York, New York  
March 25, 2021  
MICHAEL FLAKS  
ROSS LEGAN ROSENBERG ZELEN & FLAKS, LLP  
Attorneys for Plaintiff  
Office & P. O. Address  
450 Seventh Avenue Suite 2901  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
STEVEN I. COHEN,

**COMPLAINT**

Plaintiff,

-against-

Index No.

COSTCO WHOLESALE CORPORATION,

Defendant.  
-----X

Plaintiff, by his attorneys ROSS LEGAN ROSENBERG ZELEN & FLAKS, LLP, complaining of the defendant respectfully alleges, upon information and belief, as follows:

1. At all times herein mentioned, plaintiff was and still is a resident of the County of Kings, State of New York.

2. At all times herein mentioned defendant COSTCO WHOLESALE CORPORATION was a domestic corporation organized and existing under the laws of the State of New York.

3. At all times herein mentioned defendant COSTCO WHOLESALE CORPORATION was a foreign corporation duly licensed and authorized to do business in the State of New York.

4. At all times herein mentioned defendant COSTCO WHOLESALE CORPORATION conducted and carried on business in the State of New York.

5. At all times herein mentioned defendant COSTCO WHOLESALE CORPORATION transacted business within the State of New York.

6. At all times herein mentioned, the defendant owned a store at 976 Third Avenue, Brooklyn, New York.

7. At all times herein mentioned, the defendant, defendant's agents, servants, agents and/or employees operated the aforesaid store.

8. At all times herein mentioned, the defendant, defendant's servants, agents and/or employees maintained the aforesaid store.

9. At all times herein mentioned, the defendant, defendant's servants, agents and/or employees managed the aforesaid store.

10. At all times herein mentioned, the defendant, defendant's servants, agents and/or employees controlled the aforesaid store.

11. At all times herein mentioned, the defendant, defendant's servants, agents and/or employees supervised the aforesaid store.

12. At all times herein mentioned, the defendant invited the general public into its store to, among others, purchase goods and general merchandise from the defendant.

13. At all times herein mentioned, it was the duty of the defendant, defendant's servants, agents and/or employees to maintain said store in a reasonably safe and suitable condition for the safety of the patrons and other persons lawfully upon the same.

14. On November 24, 2020, the plaintiff STEVEN I. COHEN was lawful patron at aforesaid store.

15. On November 24, 2020, the plaintiff was within said store when he was caused to fall by a store employee who was pulling a store-owned dolly.

16. The aforesaid occurrence and resultant injuries to plaintiff was caused by the negligence and carelessness of the aforesaid employee in his use and operation of the dolly without any contributory negligence on the part of the plaintiff.

17. Solely as a result of the defendant's negligence, the plaintiff was caused to suffer severe and serious personal injuries to mind and body, and further, that the plaintiff was caused to be rendered sick, sore, lame and disabled and subject to great physical pain and mental anguish.

18. By reason of the foregoing, the plaintiff was severely injured and damaged, rendered sick, sore, lame, and disabled, sustained severe nervous shock and mental anguish,

great physical pain and emotional upset, some of which injuries are believed to be permanent in nature and duration, and the plaintiff will be permanently caused to suffer pain, inconvenience and other effects of such injuries; the plaintiff incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and the plaintiff will be unable to pursue the plaintiff's usual duties with the same degree of efficiency as prior to this accident, all to his damage.

19. By reason of the foregoing, plaintiff demands judgment against and money damages from the defendant.

20. The amount of damages sought by plaintiff exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, plaintiff demands judgment against defendant in an amount to be determined at the time of trial, together with the costs and disbursement of this action.

Dated: New York, New York  
March 25, 2021

  
MICHAEL FLAKS

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